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T.R.A. DOCKET ROOM

May 14, 2003

Honorable Sara Kyle
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37238

Re: Petition for Expedited Review of Growth Code Denial by the Number
Pooling Administrator Relating to Williamson Medical Center
Docket No. 03-00343

Dear Chairman Kyle:

Enclosed are the original and fourteen copies of US LEC's Petition for Expedited Review of Central Office Code Denial Relating to Williamson Medical Center.

Very truly yours,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

Henry Walker

HW/dw
Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: PETITION FOR EXPEDITED)	
REVIEW OF GROWTH CODE DENIAL)	
BY THE NUMBER POOLING)	
ADMINISTRATOR RELATING TO)	DOCKET NO. _____
WILLIAMSON MEDICAL CENTER)	

**PETITION OF US LEC FOR EXPEDITED
REVIEW OF CENTRAL OFFICE CODE DENIAL**

US LEC of Tennessee, Inc. ("US LEC"), pursuant to rules adopted by the Federal Communications Commission for challenging determinations of the Number Pooling Administrator ("NeuStar"), petitions the Tennessee Regulatory Authority for an expedited review of NeuStar's denial of US LEC's application for use of central office code numbering resources in the 615 area code.

1. US LEC is a competitive, local exchange carrier providing telecommunications services in Tennessee under the jurisdiction of the Tennessee Regulatory Authority.
2. NeuStar is an independent, non-governmental entity that is responsible for administering and managing numbering resources in pooling areas. *See* C.F.R. § 52.13(a) and (b).
3. On March 31, 2000, the Federal Communications Commission issued a Report and Order and Further Notice of Proposed Rule Making relating to numbering resource optimization ("FCC 00-104" or the "March Order"). On December 29, 2000, the FCC issued its Second Report and Order, Order on Reconsideration in CC Docket No. 96-98 and CC Docket No. 99-200, and Second Further Notice of Proposed Rulemaking in CC Docket No. 99-200

("FCC 00-249" or the "December Order"). These FCC orders addressed issues and strategies relating to the efficient use of numbering resources.

4. In FCC 00-104 and FCC 00-429, the FCC announced rules and sought comments in an effort to implement uniform standards governing requests for telephone numbering resources in order to increase efficiency in the use of existing telephone numbers and to slow further exhaustion of existing numbers under the North American Numbering Plan.

5. Among other things, FCC 00-104 adopted a revised standard for assessing a carrier's need for numbering resources by requiring carriers to report rate center based utilization data to NeuStar. The FCC further required that to qualify for access to new numbering resources, applicants must establish that existing inventory within the applicant's rate center will be exhausted within six months of the application.

6. In addition to the months-to-exhaust ("MTE") requirement described above, the FCC's rules also require carriers to meet a rate center utilization threshold of 60 percent to receive additional numbering resources in a given rate center. FCC 00-249 at ¶22; FCC 01-362 ¶¶50-52. The utilization threshold increases by five percent per year until it reaches a maximum 75 percent. Based on the FCC's orders, carriers must meet both the six-month MTE requirement and the utilization threshold on a rate center basis to obtain additional number resources. *Id.* ¶29.

7. On April 28, 2003, US LEC submitted a Central Office Code (NXX) Assignment Request for the assignment of NXX resources necessary to meet the telephone number needs of Williamson Medical Center. This application is attached hereto as Exhibit A.

8. The assignment request made on behalf of Williamson Medical Center was for 2,000 sequential telephone numbers in the 615 area code. US LEC does not presently have a block of 2,000 sequential numbers as requested by the customer. Williamson Medical Center has an immediate need for 1,200 to 1,400 consecutive numbers to support a network upgrade to their telecommunications system. The remaining numbers will be used to support network expansion.

9. Based on the Franklin Rate Center data that was used to calculate US LEC's MTE, US LEC's numbering resources would exhaust in approximately four to six months.

10. While US LEC's MTE is four to six months, US LEC is currently operating at a 24.9% utilization rate. Despite this current level of utilization, US LEC is unable to provide the requested 2,000 sequential numbers through the switch that serves Williamson Medical Center within the Franklin Rate Center.

11. On May 1, 2003, US LEC's request was denied on the grounds that the US LEC had not met the utilization threshold required in the Central Office Code (NXX) Guidelines. This decision is attached hereto as Exhibit B.

12. As a result of the denial of US LEC's request for additional numbering resources, US LEC is unable to provide the telecommunications services requested by its customer in Tennessee.

13. Under previous procedures used by the North American Numbering Plan Administration ("NANPA"), waivers or exceptions were typically granted in any case where customer hardships could be demonstrated or where the service provider's inventory did not

have a block of sequential numbers large enough to meet the customer's specific request. Under existing procedures, however, NeuStar looks at the MTE criteria and utilization threshold for the rate center and allows no exceptions. By refusing to consider the circumstances of each case, NeuStar's procedure may result in decisions contrary to the public interest and decisions that do not necessarily preserve the efficient use of telephone numbers or postpone dates of exhaust.

14. US LEC's inability to provide this large business customer with the requested numbers within the same NXX prevents US LEC from providing the quality of service this customer desires and expects. (Correspondence from Williamson Medical Center is attached as Exhibit "C").

15. Both the FCC Order and NeuStar's Central Office Code (NXX) Guidelines provide that state regulatory authorities have the power and authority to review NeuStar's decision to deny a request for numbering resources. *See* FCC 01-362, Appendix A, Final Rules, § 15.15 (g)(4).

16. This Authority has previously received similar requests from BellSouth Telecommunications, Inc. in which BellSouth asked the Authority to overrule a decision of NANPA and NeuStar. *See* Docket 03-00290 and Docket 01-00957. In both cases, the Authority granted BellSouth's request. State commissions in North Carolina, Florida, and Louisiana have also granted such requests from BellSouth and from US LEC.

17. In reviewing previous petitions of this type, the TRA staff has requested that Petitioner provide additional information concerning the Petitioner's number utilization for the specific central office involved in the request. This information for the Franklin Central Office is attached hereto as Exhibit D.

18. US LEC seeks the Authority's review of NeuStar's decision to withhold numbering resources from it on the grounds that the CO Code Administration decision (1) violates the rules and orders of the FCC which grant carriers access to numbering resources to meet specific customer demands upon a sufficient showing of need and (2) interferes with US LEC's ability to serve its customers within Tennessee. As the FCC has stated, "Under no circumstances should consumers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 00-429 at ¶ 61. By refusing to grant numbering resources sufficient to meet the Medical Center's needs, the decision is preventing the customer from obtaining the service of its choice from its carrier of choice, US LEC.

Relief Sought

For these reasons, US LEC requests that the Authority review the decision of NeuStar to denying US LEC's request for additional numbering resources and direct NeuStar to provide numbers to meet the specific requirements of Williamson Medical Center in Franklin, Tennessee.

Respectfully submitted,

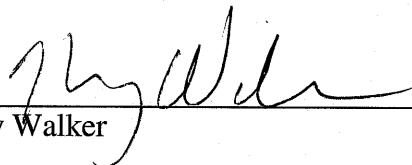
BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: 

Henry Walker (No.000272)
414 Union Street, Suite 1600
P.O. Box 198062
Nashville, Tennessee 37219
(615) 252-2363

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing is being forwarded via U.S. Mail, to Thomas Barnett, 165 Madison Avenue, Suite 2000, Memphis, Tennessee, 38103 on this the 14th day of May, 2003.



Henry Walker

Exhibit A

Pooling Administration System ajohnson@uslec.com (SP)

Sign Out

Part 1A

Type of Application : New

Tracking Number : 615-FRANKLIN-TN-100483

1.1 Contact Information :

Note: If any of the contact info is incorrect, edit your user profile.

Block Applicant :

Company Name **US LEC CORP.**Headquarters Address **6801 MORRISON BLVD**City **CHARLOTTE**State **NC**Zip **28211**Contact Name **ANGELA M JOHNSON**Contact Address **6801 MORRISON BLVD MORROCROFT 3**City **CHARLOTTE**Zip **28211**State **NC**Telephone **(704) 319-1201**Fax **(704) 602-1201**E-mail **ajohnson@uslec.com**

Pooling Administrator :

Contact Name **Dora Wirth**Contact Address **1800 Sutter St. Ste. 780**City **Concord**Zip **94520**State **CA**Telephone **9253638706**Fax **9253637684**E-mail **dora.wirth@neustar.com**

1.2 General Information

LRN Needed **NO**NPA **615**LATA **470**OCN **8356 - US LEC OF TENNESSEE, INC**AOCN **0341**Parent Company OCN **8354**Number of Thousands-Blocks
Requested **2**Switch Identification (Switching
Identity/POI) **BRWDTNDDDS0**City or Wire Center
NameRate Center **FRANKLIN**

Rate Center Sub Zone

1.3 Dates

Date of Application **04/28/2003**

Requested Block Effective Date **05/24/2003**Request Expedited Treatment **N****1.4 Type of Service Provider Requesting the Thousands-Block**

- a) Type of Service Provider **CAP OR CLEC**
- b) Primary type of service Blocks to be used for **Wireline**
- c) Thousands-Block(s) (NPA-NXX-X) assignment preference **615-435-5 615-435-6**
- d) Thousands-Block(s) (NPA-NXX-X) that are undesirable for this assignment, if any
- e) If requesting a code for LRN purposes, indicate which block(s) you will be keeping (the remainder of the blocks will be given to the pool)

1.5 Type of Request

Initial block for rate center
Growth block for rate center **Yes**
Change block
Disconnect block

I hereby certify that the above information requesting an NXX-X block is true and accurate to the best of my knowledge and that this application has been prepared in accordance with the Thousands-Block (NXX-X) Polling Administration Guidelines INC 99-0127-023

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Pooling Administration System

 ajohnson@uslec.com (SP)

Sign Out

Months to Exhaust and Utilization Certification Worksheet - TN Level

Block Applicant:

Name of Block Applicant **ANGELA M JOHNSON**Title **NUMBER SPECIALIST**Telephone Number **(704) 319-1201**Fax Number **(704) 602-1201**E-Mail **ajohnson@uslec.com**Date **04/28/2003**OCN **8356**Rate Center **FRANKLIN**List all Codes NPA(s)-NXXs and Blocks NPA(s)-
NXX-X(s)

615-224-0 615-224-1 615-224-2

A. Available Numbers **2254**B. Assigned Numbers **746**C. Total Numbering Resources **3000**D. Quantity of numbers activated in the past 90
days and excluded from the Utilization **0**
calculation

List excluded Code(s) or Block(s)

E. Growth History - Previous 6 months

Month 1	15	Month 2	41
Month 3	0	Month 4	0
Month 5	0	Month 6	108

F. Forecast - Next 12 months

Month 1	2000	Month 2	0
Month 3	0	Month 4	1000
Month 5	0	Month 6	0
Month 7	0	Month 8	0
Month 9	1000	Month 10	0
Month 11	0	Month 12	0

G. Average Monthly Forecast (Sum of months # 1-6 (Part F above) divided by 6) **500**

H. Months to Exhaust (Numbers Available for Assignment to customers (A) / Average Monthly Forecast (G))

Block Requested

A. Available Numbers

H. Months to Exhaust

1**2254****4.508****2****3254****6.508**

I. Utilization⁵(Assigned Numbers (B)) / (Total Numbering Resources (C) - Excluded Numbers (D)) * 100

24.867

Explanation

Two consecutive blocks needed for dedicated customer (Williamson Medical Center)

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Pooling Administration System ajohnson@uslec.com (SP)

Sign Out

**Thousands-Block Application Form
Part 1B****Tracking Number 615-FRANKLIN-TN-100483**

Activation Request

For Information Only N

Section A :

(If request is for Activation, the thousand-block applicant is to provide all data except Block Range, Block Effective Date and LERG Assignee/ donating switch information; the PA will fill in those three fields. For a Modification request, the requestor is to provide all information.)

Pooling Administrator :

Contact Name **Dora Wirth**
Contact Address **1800 Sutter St. Ste. 780**
City **Concord** State **CA**
Zip **94520**
Telephone **9253638706** Fax **9253637684**
E-mail **dora.wirth@neustar.com**

Block Applicant :

Company Name **US LEC CORP.**
Contact Name **ANGELA M JOHNSON**
Contact Address **6801 MORRISON BLVD MORROCROFT 3**
City **CHARLOTTE** State **NC**
Zip **28211**
Telephone **(704) 319-1201** Fax **(704) 602-1201**
E-mail **ajohnson@uslec.com**

Service Provider NPAC SOA SPID **8356**
LRN **6153249999**

Block (1K) Range
Block Effective Date **05/24/2003**

Is Block being allocated back to LERG Assignee on
donating switch? **No**

NPAC Activate Block Range **Yes**

Pooling Admin Remarks

Section B :

Class DPC
Class SSN
LIDB DPC **240255240**
LIDB SSN **000**

CNAM DPC 240255240
CNAM SSN 000
ISVM DPC
ISVM SSN
WSMSC DPC
WSMSC SSN
SOA Origination

Section C :

(NPAC is to Activate/Modify the Block (1K), as indicated on this form. When the Block (1K) Activation/Modification is complete and the data in this section inserted, NPAC sends a copy of the completed form to the Pooling Administrator and Block Holder.)

Block (1K) Request Complete **No**
Complete Date (MMDDYYYY)
Complete Time (HHMM)
NPAC Personnel performing change
Block Holder sent Completed Form **No**
Mailed Date (MMDDYYYY)
Mailed Time (HHMM)
Contact Name
Pooling Administrator sent completed Form **No**
Mailed Date (MMDDYYYY)
Mailed Time (HHMM)
Contact Name

NPAC Remarks

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Pooling Administration System

 ajohnson@uslec.com (SP)

Sign Out

Thousands-Block Application Form Part 1B

Tracking Number 615-FRANKLIN-TN-100483

Activation Request

For Information Only N

Section A :

(If request is for Activation, the thousand-block applicant is to provide all data except Block Range, Block Effective Date and LERG Assignee/ donating switch information; the PA will fill in those three fields. For a Modification request, the requestor is to provide all information.)

Pooling Administrator :

Contact Name **Dora Wirth**
Contact Address **1800 Sutter St. Ste. 780**
City **Concord** State **CA**
Zip **94520**
Telephone **9253638706** Fax **9253637684**
E-mail **dora.wirth@neustar.com**

Block Applicant :

Company Name **US LEC CORP.**
Contact Name **ANGELA M JOHNSON**
Contact Address **6801 MORRISON BLVD MORROCROFT 3**
City **CHARLOTTE** State **NC**
Zip **28211**
Telephone **(704) 319-1201** Fax **(704) 602-1201**
E-mail **ajohnson@uslec.com**

Service Provider NPAC SOA SPID **8356**
LRN **6153249999**

Block (1K) Range

Block Effective Date **05/24/2003**

Is Block being allocated back to LERG Assignee on
donating switch? **No**

NPAC Activate Block Range **Yes**

Pooling Admin Remarks

Section B :

Class DPC
Class SSN
LIDB DPC **240255240**
LIDB SSN **000**

CNAM DPC 240255240
CNAM SSN 000
ISVM DPC
ISVM SSN
WSMSC DPC
WSMSC SSN
SOA Origination

Section C :

(NPAC is to Activate/Modify the Block (1K), as indicated on this form. When the Block (1K) Activation/Modification is complete and the data in this section inserted, NPAC sends a copy of the completed form to the Pooling Administrator and Block Holder.)

Block (1K) Request Complete **No**
Complete Date (MMDDYYYY)
Complete Time (HHMM)
NPAC Personnel performing change
Block Holder sent Completed Form **No**
Mailed Date (MMDDYYYY)
Mailed Time (HHMM)
Contact Name
Pooling Administrator sent completed Form **No**
Mailed Date (MMDDYYYY)
Mailed Time (HHMM)
Contact Name

NPAC Remarks

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Exhibit B

Lunsford, Greg**From:** Johnson, Angela**Sent:** Friday, May 02, 2003 8:00 AM**To:** Lunsford, Greg**Subject:** FW: Pooling Administration System Part Three Form for your

Here is our rejection for the Franklin TN code.

-----Original Message-----

From: dora.wirth@NeuStar.com [mailto:dora.wirth@NeuStar.com]**Sent:** Thursday, May 01, 2003 6:12 PM**To:** ajohnson@uslec.com**Cc:** PA_Part3@neustar.biz**Subject:** Pooling Administration System Part Three Form for your request

Pooling Administration System

Dated 01 May 2003

Pooling Administrator's Response/Confirmation Part 3

Tracking Number 615-FRANKLIN-TN-100483

Date of Application 04/28/2003

Date of Receipt 04/28/2003

Service Provider Name US LEC

(TelcordiaTM LERGTM Routing
Guide) OCN 8356-US LEC OF TN

NPAC SOA SPID

Block Effective Date

Date of Response 05/01/2003

Pooling Administrator Contact Information :

Name Dora Wirth

Phone 9253638706

E-Mail dora.wirth@neustar.com

Fax 9253637684

Response

NPA-NXX-X 0-0-0

Block Assigned
Block Disconnected

Block Contaminated (Yes or No) null

Block Allocation Date

Switch Identification (Switching
Entity / POI) BRWDTNDDDS0

Rate Center FRANKLIN

Rate Center Sub Zone

X Form Complete, block requested denied

Explanation :

DR-3: No documentation to support the State Waiver request was received. Please resubmit your request with documentation supporting the State Waiver.

5/7/03

— **Assignment activity suspended by the administrator**

Explanation :

Further Action :

Pooling Administrator
Dora Wirth
1800 Sutter St. Ste. 780
Concord, CA 94520
Phone: 9253638706
Fax: 9253637684

Exhibit C

**Williamson
Medical Center***For the Life of our Community*David M. Ausbrooks, J.D. SPHR CHE
Vice President Operations

May 7, 2003

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37253-0505

To Whom It May Concern:

Williamson Medical Center requests 2,000 contiguous DID numbers because rapid growth has compelled us to upgrade our phone switch. This will enable us the ability to use DID numbers. Additionally, we have outgrown our current dial plan, which is a hodge podge of hundreds of numbers in three different NPA-NXXs. There are several cases where numbers terminating into the hospital have a different NXX, but the same last four digits. This has created confusion, which is not what is needed in a hospital. The 2,000 numbers will enable us to create a new dial plan based upon four-digit dialing and accommodate our future growth needs, as we are in the process of a \$75 million expansion.

Thank You.

Sincerely,

David M. Ausbrooks
Vice President, Operations

DMA:ba

2021 N. Carothers Rd. • Franklin, Tennessee 37068-1600 • (615) 791-2114

VHA Affiliate of Voluntary Hospitals of America, Inc.

Exhibit D

US LEC of Tennessee Inc.

Franklin, TN

NXX Block	Available Numbers	Assigned Numbers	Total Resources	Number Utilization
615-224-0	795	205	1,000	21%
615-224-1	558	442	1,000	44%
615-224-2	901	99	1,000	10%
	2,254	746	3,000	24.867%